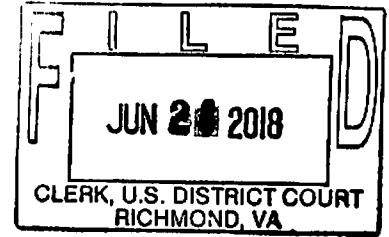


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA

v.

Criminal Action No. 3:08CR32

FREDERICK J. SMITH

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on June 17, 2014, the Court denied Frederick J. Smith's motion to vacate under 28 U.S.C. § 2255, and denied Smith's motion for discovery. United States v. Smith, No. 3:08CR32, 2014 WL 2759074, at *10 (E.D. Va. June 17, 2014.) Smith thereafter filed a Rule 60(b) Motion that contained claims that would cause the Rule 60(b) motion to be construed as a successive, unauthorized § 2255 motion. By Memorandum Order entered on April 13, 2018, the Court directed Smith to notify the Court within thirty (30) days of entry thereof, as to whether he would like to delete the improper claims or have the entire Rule 60(b) Motion treated as a successive application.

On April 30, 2018, the United States Postal Service returned the April 13, 2018 Memorandum Order marked, "RETURN TO SENDER" and "UNABLE TO FORWARD." Since that date, Smith has not contacted the Court to provide a current address. Smith's failure to contact the Court and provide a current address

indicates his lack of interest in prosecuting his remaining Rule 60(b) Motion in this closed action. See Fed. R. Civ. P. 41(b). Accordingly, the Rule 60(b) Motion will be terminated.

The Clerk is directed to send a copy of this Memorandum Opinion to Smith.

 /s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: June 21, 2018